

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,)
)
v.)
) Case No. 23SC188947
ROBERT DAVID CHEELEY, ET AL.,)
)
Defendants.)
)

PROPOSED AGENDA FOR DECEMBER 1, 2023, HEARING

Defendants Donald J. Trump, Ray Stallings Smith, III, Robert David Cheeley, and David James Shaffer (“Movants”) raise common issues and arguments in their several motions to dismiss the Indictment. In order to efficiently present these arguments at the December 1, 2023 Hearing, Movants propose the Court hears these issues in the following order:

1. Electoral Count Act Preemption and Supremacy Clause (raised by Movants Trump, Shaffer and Cheeley).
2. First Amendment preclusion issues (raised by Movants Trump, Smith, and Cheeley).
3. Solicitation of Violation of Oaths and related Conspiracy claims (Counts 2, 5, 6, 23, 28 and 38) (raised by all Movants).
4. False Statements and False Writings and related Conspiracy claims (Counts 4, 13, 18, 19, 25, 26, 29, and 40) (raised by all Movants).
5. Impersonating a Public Officer and related Conspiracy claims (Counts 8 and 9) (raised by all Movants).
6. Forgery and related Conspiracy claims (Counts 10, 11, 16, 19) (raised by all Movants).
7. Filing False Documents and related Conspiracy claims (Counts 14, 15, and 27) (raised by all Movants).

8. Georgia RICO (Count 1) (raised by all Movants).
9. Perjury (Count 41) (raised by Movant Cheeley).
10. Motion to Obtain Access to Relevant Discovery Material In the District of Columbia (DC) Federal Criminal Case (raised by Movant Trump).
11. Other issues related to discovery and motions scheduling.
12. Other housekeeping items.¹

Movants propose they present each issue, and the State respond to each issue, before moving on to the next. To streamline the arguments, Movants anticipate one lawyer will present the primary argument for each enumerated issue above--though counsel for individual lawyers may supplement the primary argument if necessary.

Respectfully submitted this 21st day of November 2023.

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Attorneys for Robert David Cheeley

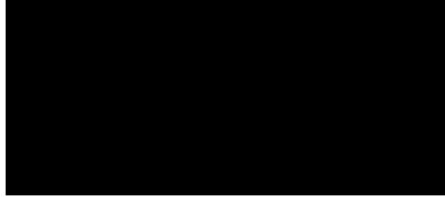
¹ Movants also stand ready to present on Indictment pleading standards and rule of lenity statutory interpretation issues if the Court so desires. Otherwise, Movants intend to rely on their briefing for these arguments.

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*Attorney for Defendant Robert
David Cheeley*

/s/ Craig Gillen
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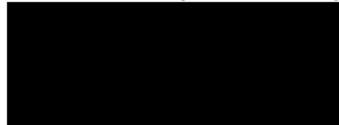
Attorneys for Defendant David J. Shafer

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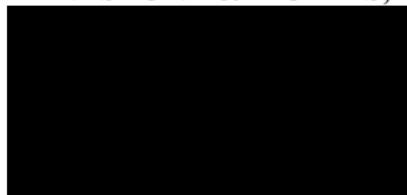
Attorney For Defendant Donald J. Trump

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CERTIFICATE OF SERVICE

I hereby certify that this 21st day of November, 2023, a copy of the foregoing **DEFENDANT DONALD J. TRUMP, RAY STALLINGS SMITH, III, ROBERT DAVID CHEELEY, AND DAVID JAMES SHAFFER'S PROPOSED AGENDA FOR THE DECEMBER 1, 2023 HEARING** has been served using the Odyssey eFileGA system, which will automatically serve notice of the filing to counsel of record, and via email, on the following counsel of record:

Fani Willis, Esq. Nathan
J. Wade, Esq.
Fulton County District Attorney's Office 136
Pryor Street SW
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Atlanta GA 30303



I have also served this filing by email on the following counsel who to my knowledge are representing other defendants named in the underlying indictment:

Drew Findling - [Redacted]
Marissa Goldberg- [Redacted]
Jennifer Little- [Redacted]
Dwight Thomas- [Redacted]

Craig Gillen [Redacted]
Anthony Lake [Redacted]

Holly Pierson [REDACTED]

Kieran Shanahan [REDACTED]

Tom Bever- [REDACTED]
Amy Buice - [REDACTED]

Bruce Morris- [REDACTED]
Don Samuel- [REDACTED]
Amanda Clark Palmer- [REDACTED]

Richard Rice - [REDACTED]
Chris Anulewicz - [REDACTED]

Scott Grubman - [REDACTED]
Manny Arora - [REDACTED]

Charles Burnham - [REDACTED]

Laura Hogue - [REDACTED]
Frank Hogue - [REDACTED]

Lynsey Barron - [REDACTED]
Andrew Hall - [REDACTED]

Brian Rafferty- [REDACTED]
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